

***** PUBLIC DOCKET *****

**U.S. District Court
Southern District of Indiana (Terre Haute)
CIVIL DOCKET FOR CASE #: 2:21-cv-00418-JPH-MG**

ATES v. UNITED STATES OF AMERICA
Assigned to: Judge James Patrick Hanlon
Referred to: Magistrate Judge Mario Garcia
Demand: \$2,500,000
Cause: 28:2674 Federal Tort Claims Act

Date Filed: 11/09/2021
Jury Demand: None
Nature of Suit: 555 Prisoner Petitions -
Prison Condition
Jurisdiction: Federal Question

Plaintiff

ROY EDWARD ATES, JR.

represented by **ROY EDWARD ATES, JR.**
88532-380
TERRE HAUTE - FCI
TERRE HAUTE FEDERAL
CORRECTIONAL INSTITUTION
Inmate Mail/Parcels
P.O. BOX 33
TERRE HAUTE, IN 47808
PRO SE

V.

Defendant

UNITED STATES OF AMERICA

represented by **Gina M. Shields**
UNITED STATES ATTORNEY'S OFFICE
(Indianapolis)
10 West Market Street
Suite 2100
Indianapolis, IN 46204
317-226-6333
Fax: 317-226-6125
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ATTORNEY TO BE NOTICED

Justin R. Olson
UNITED STATES ATTORNEY'S OFFICE
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10 West Market Street
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317-229-2446
Email: justin.olson2@usdoj.gov
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
11/08/2021	<u>1</u>	COMPLAINT against UNITED STATES OF AMERICA, filed by ROY EDWARD ATES, JR. (No fee paid with this filing) (Attachments: # <u>1</u> Envelope)(KAA) (Additional attachment(s) added on 11/9/2021: # <u>2</u> Cover Letter) (KAA). (Entered: 11/09/2021)
11/08/2021	<u>2</u>	MOTION for Leave to Proceed in forma pauperis, filed by Plaintiff ROY EDWARD ATES, JR. (Attachments: # <u>1</u> Envelope)(KAA) (Entered: 11/09/2021)
11/08/2021	<u>3</u>	MOTION to Establish Briefing Schedule (In Limine), filed by Plaintiff ROY EDWARD ATES, JR. (Attachments: # <u>1</u> Envelope)(KAA) (Entered: 11/09/2021)
11/09/2021	<u>4</u>	MAGISTRATE JUDGE's NOTICE of Availability to Exercise Jurisdiction issued. Copy mailed to plaintiff. (KAA) (Entered: 11/09/2021)
11/10/2021	<u>5</u>	NOTICE to Pro se Litigant - The following information is provided to pro se litigants to inform them about rules and procedures governing how they communicate with the Court. Copy distributed to Plaintiff via US Mail. (TMC) (Entered: 11/10/2021)
11/17/2021	<u>6</u>	ORDER denying <u>2</u> Motion for Leave to Proceed in forma pauperis because plaintiff's motion does not contain an affidavit showing he is unable to pay the filing fee. Should he wish to refile, he must correct the deficiencies above and do so no later than December 15, 2021. The clerk is directed to send a copy of the Request to Proceed In Forma Pauperis Form to Mr. Ates Jr. along with this Order. Copy sent to plaintiff via US Mail. Signed by Judge James Patrick Hanlon on 11/17/2021. (Attachments: # <u>1</u> Blank Motion to Proceed In Forma Pauperis Form) (TPS) (Entered: 11/17/2021)
11/19/2021	<u>7</u>	CONSENT to Jurisdiction to US Magistrate Judge by ROY EDWARD ATES, JR. (Attachments: # <u>1</u> Envelope)(TPS) (Entered: 11/22/2021)
12/06/2021	<u>8</u>	Mail Returned as undeliverable: UNABLE TO FOWARD re <u>6</u> Order on Motion for Leave to Proceed in forma pauperis sent to ROY EDWARD ATES, JR. (TPS) (Entered: 12/07/2021)
12/08/2021	9	Address updated for Plaintiff ROY EDWARD ATES, JR. from TERRE HAUTE - USP to GILES W. DALBY - CI based on Bureau of Prisons website. Dkt. <u>6</u> resent to Plaintiff ROY EDWARD ATES, JR. via US Mail at GILES W. DALBY - CI. (TMC) (Entered: 12/08/2021)
12/27/2021	<u>10</u>	Mail Returned as undeliverable. <u>6</u> Order on Motion for Leave to Proceed in forma pauperis sent to ROY EDWARD ATES, JR. 88531-380 GILES W. DALBY - CI. Return to sender - incorrect name/register #. (TMC) (Entered: 12/28/2021)
12/28/2021	11	BOP# updated from 88531-380 to 88532-380 for Plaintiff ROY EDWARD ATES, JR. Address updated from GILES W. DALBY - CI to TERRE HAUTE - FCI based on BOP website. Docket <u>6</u> resent to Plaintiff ROY EDWARD ATES, JR. 88532-380 TERRE HAUTE - FCI via US Mail. (TMC) (Entered: 12/28/2021)
01/10/2022	<u>12</u>	MOTION for Leave to Proceed in forma pauperis, filed by Plaintiff ROY EDWARD ATES, JR. (Attachments: # <u>1</u> Trust Account Summary, # <u>2</u> Envelope)(TMC) (Entered: 01/11/2022)

01/19/2022	13	ORDER on Motion to Proceed In Forma Pauperis - The plaintiff's motion to proceed in forma pauperis, dkt. 12 , is granted to the extent that the plaintiff is assessed an initial partial filing fee of Three Dollars and Eighty-Four Cents (\$3.84). The plaintiff shall have through February 16, 2022, in which to pay this sum to the clerk of the district court. The plaintiff's motion to establish a briefing schedule, dkt 3 , is denied at this time. A pretrial schedule will be issued only after the case has been screened and the defendant has filed an answer. Copy sent to plaintiff via US Mail. Signed by Judge James Patrick Hanlon on 1/19/2022. (TPS) (Entered: 01/19/2022)
01/28/2022	14	MOTION for Extension of Time to to pay re 13 Order on Motion for Leave to Proceed in forma pauperis, filed by Plaintiff ROY EDWARD ATES, JR. (Attachments: # 1 Exhibit, # 2 Envelope)(KAA) (Entered: 01/28/2022)
02/17/2022	15	ORDER granting 14 Motion for Extension of Time. Plaintiff shall have through March 16, 2022, to pay this sum to the clerk of the district court. Copy to plaintiff via US Mail. Signed by Magistrate Judge Mario Garcia on 2/17/2022. (KAA) (Entered: 02/17/2022)
02/28/2022	16	RECEIPT #IP078026 for partial filing fee in the amount of \$3.84, paid by ROY ATES. (DJH) (Entered: 02/28/2022)
05/02/2022	17	MOTION Requesting Status of Case, filed by Plaintiff ROY EDWARD ATES, JR. (Attachments: # 1 Envelope)(KAA) (Entered: 05/03/2022)
05/03/2022	18	Order Screening Complaint and Directing Further Proceedings - Mr. Ates, Jr.'s FTCA claim shall proceed against the United States. If there were additional claims raised in the amended complaint that the Court failed to identify, the plaintiff shall have through June 1, 2022, to identify those claims. The clerk is directed to issue a single summons to the United States attorney for this district and the Attorney General of the United States at Washington, D.C., pursuant to Fed. R. Civ. P. 4(i)(1). The Marshal for this District is directed to serve the summons and complaint by registered or certified mail at the expense of the United States. Copies mailed per distribution. Signed by Judge James Patrick Hanlon on 5/3/2022.(KAA) (Entered: 05/04/2022)
05/04/2022	19	Summons Issued as to USA - UNITED STATES OF AMERICA, (Attachments: # 1 USM 285 Form USAG, # 2 USM 285 Form US Atty)(KAA) (Entered: 05/04/2022)
05/04/2022	20	Documents for service by USM - re 1 Complaint, 18 Order, 19 Summons Issued as to USA. Electronic notice to USM-C.(KAA) (Entered: 05/04/2022)
05/09/2022	21	ORDER granting 17 Motion Requesting Status of Case. The Court recently screened the complaint and directed service on the defendant. Dkt. 18 . Once the defendant appears, the Court will issue a pretrial scheduling order. Copy sent to plaintiff via US mail. Signed by Magistrate Judge Mario Garcia on 5/9/2022. (TPS) (Entered: 05/10/2022)
05/09/2022	22	ORDER Directing Prisoner Payment - Plaintiff's custodian is directed to withhold sums from the inmate trust account of ROY EDWARD ATES, JR., 88532-380, and to forward such sums to the Clerk of this Court. The appropriate cause number, 2:21-CV-00418-JPH-MG, should be placed on each payment sent to the Clerk. As of the issuance of this Order, the balance of the filing fee still due in this case is \$346.16. A copy of this Order shall be sent to plaintiff and to plaintiff's custodian. (SEE ORDER.) Copies sent pursuant to distribution list. Signed by Magistrate Judge Mario Garcia on 5/9/2022.(TPS) (Entered: 05/10/2022)


05/16/2022	23	RETURN of USM Service - United States Attorney General served on 5/11/2022 via Certified Mail. (TPS) (Entered: 05/16/2022)
05/16/2022	24	RETURN of USM Service - Office of the United States Attorney served on 5/9/2022 via Certified Mail. (TPS) (Entered: 05/16/2022)
05/19/2022	25	MOTION for Clarification of 18 Order, filed by Plaintiff ROY EDWARD ATES, JR. (Attachments: # 1 Envelope)(TPS) (Entered: 05/19/2022)
06/29/2022	26	Unsworn DECLARATION of ROY EDWARD ATES, JR. re 1 Complaint by ROY EDWARD ATES, JR. (Attachments: # 1 Envelope)(KAA) (Entered: 06/29/2022)
07/08/2022	27	NOTICE of Appearance by Justin R. Olson on behalf of Defendant UNITED STATES OF AMERICA. (Olson, Justin) (Entered: 07/08/2022)
07/08/2022	28	NOTICE of Parties' First Extension of Time re Filing a response to pleading defined by Fed. R. Civ. P. 7(a), filed by Defendant UNITED STATES OF AMERICA. (Attachments: # 1 Exhibit A - Letter to Plaintiff) (Olson, Justin) (Entered: 07/08/2022)
07/18/2022	29	RECEIPT #900 for filing fee in the amount of \$346.16, paid by ROY EDWARD ATES, JR.. (DRB) (Entered: 07/18/2022)
07/18/2022	30	Submission of Request for Judicial Notice, filed by Plaintiff ROY EDWARD ATES, JR. (Attachments: # 1 Exhibit, # 2 Envelope)(KAA) (Entered: 07/18/2022)
07/29/2022	31	ORDER VACATING COLLECTION ORDER - Court records indicate that a collection order was issued on May 9, 2022, dkt. 22 . The full filing fee due in this case has now been paid. Accordingly, the collection order has been satisfied and the plaintiff's custodian shall not send any additional payments to the clerk as a result of the May 9, 2022, collection order. Copies sent pursuant to distribution list via US mail. Signed by Judge James Patrick Hanlon on 7/29/2022.(TPS) (Entered: 08/01/2022)
08/03/2022	32	ORDER granting 25 Motion to Clarify 18 Screening Order to the extent that (1) no amended complaint has been filed, and (2) three claims in his complaint shall proceed: (SEE ORDER.) Copy sent to plaintiff via US mail. Signed by Judge James Patrick Hanlon on 8/3/2022. (TPS) (Entered: 08/03/2022)
08/08/2022	33	MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM <i>AND FOR LACK OF JURISDICTION</i> , filed by Defendant UNITED STATES OF AMERICA. (Olson, Justin) (Entered: 08/08/2022)
08/08/2022	34	BRIEF/MEMORANDUM in Support re 33 MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM <i>AND FOR LACK OF JURISDICTION</i> , filed by Defendant UNITED STATES OF AMERICA. (Olson, Justin) (Entered: 08/08/2022)
08/22/2022	35	MOTION for Extension of Time to File Response re 33 MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM <i>AND FOR LACK OF JURISDICTION</i> , filed by Plaintiff ROY EDWARD ATES, JR. (Attachments: # 1 Envelope)(KAA) (Entered: 08/22/2022)
08/23/2022	36	Order Granting Motion for Extension of Time to File a Response - Plaintiff's motion for extension of time to file a response to Defendant's motion to dismiss, dkt. 35 , is granted. Plaintiff shall file a response to Defendant's motion to dismiss no later than September 26, 2022. Copy to plaintiff via US Mail. Signed by Magistrate Judge Mario


		Garcia on 8/23/2022. (KAA) (Entered: 08/23/2022)
09/28/2022	37	RESPONSE in Opposition to 33 MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM <i>AND FOR LACK OF JURISDICTION</i> , filed by Plaintiff ROY EDWARD ATES, JR. (Attachments: # 1 Exhibit 1, # 2 Exhibit 2, # 3 Exhibit 3, # 4 Exhibit 4, # 5 Exhibit 5, # 6 Exhibit 6, # 7 Exhibit 7, # 8 Exhibit 8, # 9 Exhibit 9, # 10 Exhibit 10, # 11 Exhibit 11, # 12 Exhibit 12, # 13 Exhibit 13, # 14 Exhibit 14, # 15 Exhibit 15, # 16 Envelope)(TPS) (Entered: 09/28/2022)
10/05/2022	38	REPLY in Support of Motion re 33 MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM <i>AND FOR LACK OF JURISDICTION</i> , filed by Defendant UNITED STATES OF AMERICA. (Olson, Justin) (Entered: 10/05/2022)
10/20/2022	39	MOTION for Assistance with Recruiting Counsel, filed by Plaintiff ROY EDWARD ATES, JR. (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Exhibit D, # 5 Envelope)(TPS) (Entered: 10/20/2022)
10/20/2022	40	MOTION to Schedule Hearing, filed by Plaintiff ROY EDWARD ATES, JR. (Attachments: # 1 Envelope)(TPS) (Entered: 10/20/2022)
11/21/2022	41	Correspondence REQUESTING COPY of Case Docket Sheet, filed by ROY ATES. Copy/Copies provided via US Mail. (Attachments: # 1 Public Docket Sheet, # 2 Envelope) (TPS) (Entered: 11/22/2022)
01/25/2023	42	Order Directing Response to Motion for Assistance With Recruiting Counsel - Plaintiff Roy Ates has filed a motion for assistance with recruiting counsel. Dkt. 39 . The United States shall file a response addressing Mr. Ates's claim that he has almost no access to Indiana state law on or before February 9, 2023. SEE ORDER. Copy to plaintiff via US Mail. Signed by Judge James Patrick Hanlon on 1/25/2023.(KAA) (Entered: 01/25/2023)
02/02/2023	43	ORDER GRANTING IN PART AND DENYING IN PART MOTION TO DISMISS AND DENYING MOTION FOR HEARING - The Court finds that the parties' briefs were sufficient for it to decide the United States' motion to dismiss without a hearing; therefore, Mr. Ates's motion for a hearing, dkt. 40 , is denied. The United States' motion to dismiss, dkt. 33 , is granted to the extent that Count I (negligence per se) is dismissed for failure to state a claim upon which relief may be granted but denied in all other respects, except that Mr. Ates will be limited to proceeding on Counts II and III under a theory of gross negligence. (SEE ORDER.) Copy sent to plaintiff via US mail. Signed by Judge James Patrick Hanlon on 2/2/2023. (TPS) (Entered: 02/03/2023)
02/09/2023	44	RESPONSE to Motion re 39 MOTION to Appoint Counsel <i>and re</i> 42 <i>Directing Response to Motion for Assistance With Recruiting Counsel</i> , filed by Defendant UNITED STATES OF AMERICA. (Attachments: # 1 Exhibit A - Declaration of T. Farmer and Attachments 1 to 7, # 2 Exhibit B - Indiana Covid-19 Immunity Statute and Citations)(Olson, Justin) (Entered: 02/09/2023)
02/16/2023	45	MOTION for Extension of Time to March 16, 2023 in which to 1 Complaint <i>RESPOND TO THE COMPLAINT</i> , filed by Defendant UNITED STATES OF AMERICA. (Attachments: # 1 Exhibit A - Letter to Plaintiff, # 2 Text of Proposed Order)(Olson, Justin) (Entered: 02/16/2023)
02/23/2023	46	ORDER GRANTING DEFENDANT'S MOTION FOR ENLARGEMENT OF TIME - granting 45 Motion for Extension of Time to File. The United States' deadline to file

		an answer or other responsive pleading to the complaint is due on or before March 16, 2023. This deadline will not likely be further extended. Copy to plaintiff via US Mail.. Signed by Magistrate Judge Mario Garcia on 2/23/2023. (KAA) (Entered: 02/23/2023)
02/23/2023	47	MOTION for Extension of Time to file a Reply, filed by Plaintiff ROY EDWARD ATES, JR. (Attachments: # 1 Envelope)(JDC) (Entered: 02/24/2023)
02/28/2023	48	RESPONSE re 47 MOTION for Extension of Time to, filed by Plaintiff ROY EDWARD ATES, JR. (Attachments: # 1 Exhibit, # 2 Envelope)(JDC) (Entered: 03/01/2023)
03/02/2023	49	MOTION to Compel, filed by Plaintiff ROY EDWARD ATES, JR. (Attachments: # 1 Envelope)(JDC) (Entered: 03/03/2023)
03/02/2023	50	ORDER granting 47 Motion for Extension of Time to Reply. Any reply in support of Plaintiff's pending motion for assistance recruiting counsel, dkt. 39 , shall be filed on or before March 31, 2023. Copy to plaintiff via US Mail. Signed by Magistrate Judge Mario Garcia on 3/2/2023. (KAA) (Entered: 03/03/2023)
03/10/2023	51	ORDER granting 49 Motion to Compel to the extent that the clerk is directed to enclose copies of the following with Plaintiff's copy of this Order: (1) pages 110 through 112 of dkt. [44-1]; and (2) a complete copy of dkt. [44-2]. Copy sent to plaintiff via US mail. Signed by Magistrate Judge Mario Garcia on 3/10/2023. (Attachments: # 1 Copy of 44-1 pages 110 through 112, # 2 Copy of dkt. 44-2) (TPS) (Entered: 03/10/2023)
03/13/2023	52	MOTION for Reconsideration re 43 Order on Motion Order on Motion to Dismiss for Failure to State a Claim, filed by Plaintiff ROY EDWARD ATES, JR. (Attachments: # 1 Envelope)(JDC) (Entered: 03/14/2023)
03/13/2023	53	SEALED REPLY, re 44 Response to Motion (Unopposed), filed by Plaintiff ROY EDWARD ATES, JR. (Attachments: # 1 Exhibit, # 2 Envelope)(JDC) (Entered: 03/15/2023)
03/16/2023	54	<i>Defendant United States of America's</i> ANSWER to 1 Complaint and Affirmative Defenses, filed by UNITED STATES OF AMERICA.(Olson, Justin) (Entered: 03/16/2023)
03/20/2023	55	ORDER SETTING PRETRIAL SCHEDULE AND DISCUSSING DISCOVERY IN PRISONER LITIGATION: This Order sets the schedule for how this action shall proceed. Part I sets forth the pretrial deadlines. Part II discusses various aspects of discovery. Facilitating the discovery process can be difficult, and this Order is issued in an effort to help explain and streamline the process for the parties. The parties should carefully read this Order. *SEE ORDER FOR ADDITIONAL INFORMATION*. Dispositive Motions due by 10/23/2023. Discovery due by 9/21/2023. Copy sent to plaintiff via US mail. Signed by Magistrate Judge Mario Garcia on 3/20/2023.(TPS) (Entered: 03/21/2023)
03/23/2023	56	MOTION for Order of Contempt and Imposition of Sanctions, filed by Plaintiff ROY EDWARD ATES, JR. (Attachments: # 1 Envelope)(JDC) (Entered: 03/23/2023)
03/24/2023	57	RESPONSE in Opposition re 52 MOTION for Reconsideration re 43 Order on MotionOrder on Motion to Dismiss for Failure to State a Claim , filed by Defendant UNITED STATES OF AMERICA. (Olson, Justin) (Entered: 03/24/2023)

03/24/2023	58	MOTION to Consider Redaction in lieu of Filings Under Seal, filed by Plaintiff ROY EDWARD ATEs, JR. (Attachments: # 1 Envelope)(JDC) (Entered: 03/27/2023)
03/27/2023	59	MOTION to Clarify, filed by Plaintiff ROY EDWARD ATEs, JR. (Attachments: # 1 Envelope)(JDC) (Entered: 03/28/2023)
04/06/2023	60	RESPONSE in Opposition re 56 MOTION <i>for Order of Contempt and Imposition of Sanctions</i> , filed by Defendant UNITED STATES OF AMERICA. (Attachments: # 1 Exhibit A - Feb. 10, 2023 Certified Mail Receipt, # 2 Exhibit B - March 10, 2023 Certified Mail Receipt)(Olson, Justin) (Entered: 04/06/2023)
04/13/2023	61	MOTION for Clarification as to Reply re dkt. 54 , filed by Plaintiff ROY EDWARD ATEs, JR. (Attachments: # 1 Envelope)(JDC) (Entered: 04/14/2023)
04/14/2023	62	MOTION for Extension of Time re 57 Response in Opposition to Motion, filed by Plaintiff ROY EDWARD ATEs, JR. (Attachments: # 1 Envelope)(JDC) (Entered: 04/14/2023)
04/19/2023	63	ORDER granting 62 Motion for Extension of Time. Plaintiff may file a reply in support of his motion to reconsider, dkt. 52 , on or before May 2, 2023. Copy sent to plaintiff via US mail. Signed by Magistrate Judge Mario Garcia on 4/19/2023. (TPS) (Entered: 04/19/2023)
04/19/2023	64	ORDER GRANTING MOTION TO CLARIFY: Plaintiff's motion to clarify, dkt. 59 , is granted to the extent that the Court acknowledges that he has now received the documents that he previously alleged were missing from Defendant's response to his motion for appointment of counsel. The Court also acknowledges that Plaintiff has raised other reasons as to why counsel should be appointed for him and that he has other motions pending before the Court that were not mooted by the provision of the missing documents. See Order. Signed by Judge James Patrick Hanlon on 4/19/2023.(Copy mailed to Plaintiff.) (LF) (Entered: 04/20/2023)
04/19/2023	65	ORDER GRANTING IN PART MOTION AS TO REPLY: This matter is before the Court on Plaintiff's "Motion to Reply Re: (Doc. 54) Under Fed. R. Civ. P. 7(a)(7)." In the motion, Plaintiff seeks clarification as to whether he should file a reply to Defendant's Answer and Affirmative Defenses as contemplated by Federal Rule of Civil Procedure 7(a)(7), noting that he concurs if the Court does not believe that a reply is needed. Plaintiff's motion, dkt. 61 , is granted in part to the extent that the Court confirms that Plaintiff need not and should not file a reply to Defendant's Answer and Affirmative Defenses. See Order. Signed by Judge James Patrick Hanlon on 4/19/2023.(Copy mailed to Plaintiff.) (LF) (Entered: 04/20/2023)
04/19/2023	66	ORDER GRANTING IN PART MOTION TO CONSIDER REDACTIONS IN LIEU OF FILINGS UNDER SEAL: Plaintiff's motion to consider redactions in lieu of filings under seal, dkt. 58 , is granted in part to the extent that the Court confirms that the documents currently in the record as dkts. 53 and 53-1 will be maintained under seal. See Order. Signed by Judge James Patrick Hanlon on 4/19/2023.(Copy mailed to Plaintiff.) (LF) (Entered: 04/20/2023)
05/01/2023	67	NOTICE (Letter) to the court, filed by Plaintiff ROY EDWARD ATEs, JR (Attachments: # 1 Envelope) (DWH) (Entered: 05/01/2023)
05/01/2023	68	MOTION for Extension of Time to File Reply to 56 MOTION, filed by Plaintiff ROY EDWARD ATEs, JR. (Attachments: # 1 Envelope)(JRB) (Entered: 05/02/2023)

05/01/2023	69	MOTION for Judicial Notice and Extension of Time re: 54 57 and 60 , filed by Plaintiff ROY EDWARD ATES, JR. (Attachments: # 1 Envelope)(JRB) (Entered: 05/02/2023)
05/05/2023	70	Order Granting Motions for Extension of Time - Plaintiff's motions for extensions of time, dkts. 68 and 69 , are granted to the extent that the following deadlines are extended up to and including May 31, 2023: (1) deadline for Plaintiff to file any reply in support of his motion to reconsider, dkt. 52 ; and (2) deadline for Plaintiff to file any reply in support of his motion for contempt and sanctions, dkt. 56 . As stated in the Court's Order of April 19, 2023, dkt. 66, Plaintiff should not file a reply to the United States' answer, so there is no need to extend the deadline for him to do so. Copy to Plaintiff via US Mail. Signed by Magistrate Judge Mario Garcia on 05/04/2023. (AAS) (Entered: 05/05/2023)
05/05/2023	71	REPLY in Support of Motion re 52 MOTION for Reconsideration re 43 Order on Motion, filed by Plaintiff ROY EDWARD ATES, JR. (Attachments: # 1 Envelope)(LBT) (Entered: 05/05/2023)
05/05/2023	72	MOTION/Request for Judicial Notice, filed by Plaintiff ROY EDWARD ATES, JR. (Attachments: # 1 Envelope)(LBT) (Entered: 05/05/2023)
05/05/2023	73	MOTION to Allow Perfection of Service via ECF Notice of Filing, filed by Plaintiff ROY EDWARD ATES, JR. (Attachments: # 1 Envelope)(LBT) (Entered: 05/05/2023)
05/16/2023	74	MOTION for Judicial Notice, filed by Plaintiff ROY EDWARD ATES, JR. (Attachments: # 1 Envelope)(JDC) (Entered: 05/17/2023)
05/17/2023	75	Order Granting Motion to Allow Perfection of Service via ECF Notice of Filing - Plaintiff's motion, dkt. 73 , is granted. This Order applies only to documents that are to be filed with the Court. Documents that are not filed with the Court--such as discovery requests--must still be sent to the United States' counsel directly. SEE ORDER. Copy sent to Plaintiff via US Mail. Signed by Magistrate Judge Mario Garcia on 5/17/23. (JRB) (Entered: 05/17/2023)
05/18/2023	76	Order Denying Motions for Judicial Notice - The motions for Judicial Notice, dkt. 72 and 74 , are denied. If Plaintiff ever needs affirmative relief (such as an extension of time to meet a deadline) because of the issues mentioned in the motions, he should file a motion specifically stating the relief requested. Copy to plaintiff via US Mail. Signed by Magistrate Judge Mario Garcia on 5/18/2023. (KAA) (Entered: 05/18/2023)
05/18/2023	77	MOTION to Compel Production of Records, filed by Plaintiff ROY EDWARD ATES, JR. (Attachments: # 1 Envelope)(JRB) (Main Document 77 replaced on 5/19/2023 with complete document) (KAA). (Entered: 05/19/2023)
05/18/2023	78	MOTION to Initiate Criminal Contempt Proceedings, filed by Plaintiff ROY EDWARD ATES, JR. (Attachments: # 1 Envelope)(JRB) (Entered: 05/19/2023)
05/18/2023	79	Reply to 60 Response in Opposition to Motion, filed by Plaintiff ROY EDWARD ATES, JR. (Attachments: # 1 Envelope)(JRB) (Entered: 05/19/2023)
05/22/2023	80	MOTION for Judicial Notice, filed by Plaintiff ROY EDWARD ATES, JR. (Attachments: # 1 Envelope)(SWM) (Entered: 05/24/2023)

05/22/2023	81	MOTION to Withdraw Pending Motion a Moot, filed by Plaintiff ROY EDWARD ATES, JR. (Attachments: # 1 Envelope) (LF) (Entered: 05/24/2023)
05/26/2023	82	NOTICE of Service of Initial Disclosures , filed by Defendant UNITED STATES OF AMERICA. (Attachments: # 1 Exhibit 1 - Certified Mail Return Receipt) (Olson, Justin) (Entered: 05/26/2023)
06/02/2023	83	RESPONSE in Opposition re 77 MOTION to Compel , filed by Defendant UNITED STATES OF AMERICA. (Olson, Justin) (Entered: 06/02/2023)
06/02/2023	84	RESPONSE in Opposition re 78 MOTION <i>To Initiate Criminal Contempt Proceedings</i> , filed by Defendant UNITED STATES OF AMERICA. (Olson, Justin) (Entered: 06/02/2023)
06/14/2023	85	MOTION to Reset Deadlines, filed by Plaintiff ROY EDWARD ATES, JR. (Attachments: # 1 Envelope)(SWM) (Entered: 06/14/2023)
06/22/2023	86	REPLY in Support of Motion re 77 MOTION to Compel, filed by Plaintiff ROY EDWARD ATES, JR. (Attachments: # 1 Envelope)(LBT) (Entered: 06/22/2023)
06/22/2023	87	REPLY re 84 Response in Opposition to Motion, filed by Plaintiff ROY EDWARD ATES, JR. (Attachments: # 1 Envelope)(JDC) (Entered: 06/22/2023)
06/28/2023	88	RESPONSE to Motion re 85 MOTION <i>TO RESET DEADLINE (I.E. MOTION TO AMEND THE DEADLINE TO MOVE TO AMEND A PLEADING)</i> , filed by Defendant UNITED STATES OF AMERICA. (Attachments: # 1 Text of Proposed Order)(Olson, Justin) (Entered: 06/28/2023)
07/12/2023	89	NOTICE of Appearance by Gina M. Shields on behalf of Defendant UNITED STATES OF AMERICA. (Shields, Gina) (Entered: 07/12/2023)
07/18/2023	 90	MOTION to Compel <i>RESPONSES TO DEFENDANT'S INTERROGATORIES NOS. 1, 2, 3, 4, 5, 6 and 10 to PLAINTIFF</i> , filed by Defendant UNITED STATES OF AMERICA. (Attachments: # 1 Exhibit A - Interrogatories, # 2 Exhibit B - Plaintiff's Responses to Interrogatories, # 3 Exhibit C - Plaintiff's Initial Disclosure, # 4 Exhibit D - Deficiency Letter, # 5 Exhibit E - Response to Deficiency Letter)(Olson, Justin) (Entered: 07/18/2023)
07/18/2023	91	BRIEF/MEMORANDUM in Support re 90 MOTION to Compel <i>RESPONSES TO DEFENDANT'S INTERROGATORIES NOS. 1, 2, 3, 4, 5, 6 and 10 to PLAINTIFF</i> , filed by Defendant UNITED STATES OF AMERICA. (Olson, Justin) (Entered: 07/18/2023)
07/18/2023	92	MOTION for Extension of Time to <i>COMPLETE REMAINING PRETRIAL DEADLINES</i> , filed by Defendant UNITED STATES OF AMERICA. (Attachments: # 1 Text of Proposed Order)(Olson, Justin) (Entered: 07/18/2023)
08/02/2023	93	RESPONSE in Opposition to 90 MOTION to Compel <i>RESPONSES TO DEFENDANT'S INTERROGATORIES NOS. 1, 2, 3, 4, 5, 6 and 10 to PLAINTIFF</i> , filed by Plaintiff ROY EDWARD ATES, JR. (Attachments: # 1 Envelope)(TPS) (Entered: 08/02/2023)
08/02/2023	94	RESPONSE to 92 MOTION for Extension of Time to <i>COMPLETE REMAINING PRETRIAL DEADLINES</i> , filed by Plaintiff ROY EDWARD ATES, JR. (Attachments: # 1 Envelope)(TPS) (Entered: 08/02/2023)

08/11/2023	95	ORDER granting 92 Motion to Extend Remaining Pretrial Deadlines - Dispositive Motions due by 1/22/2024., Discovery due by 12/20/2023. SEE ORDER. Copy sent to Plaintiff via US Mail. Signed by Magistrate Judge Mario Garcia on 8/11/2023.(JRB) (Entered: 08/14/2023)
08/15/2023	 96	MOTION for Extension of Time to September 20, 2023, <i>to Respond to Plaintiff's Discovery Requests</i> , filed by Defendant UNITED STATES OF AMERICA. (Attachments: # 1 Text of Proposed Order)(Shields, Gina) (Entered: 08/15/2023)
08/16/2023	97	RESPONSE in Opposition re 90 MOTION to Compel <i>RESPONSES TO DEFENDANT'S INTERROGATORIES NOS. 1, 2, 3, 4, 5, 6 and 10 to PLAINTIFF</i> , filed by Plaintiff ROY EDWARD ATEs, JR. (Attachments: # 1 Envelope) (CKM) (Entered: 08/16/2023)
08/21/2023	98	ORDER ON PENDING MOTIONS - Mr. Ates's motion for judicial notice, dkt. 80 , is granted in part and denied in part for the reasons stated in Section I. Mr. Ates's motion for assistance with recruiting counsel, dkt. 39 , is granted to the extent that the Court will attempt to recruit counsel to represent Mr. Ates. Mr. Ates must complete and return the enclosed blank form motion for assistance with recruiting counsel on or before September 8, 2023, or the Court may cease its efforts to recruit counsel to represent him. The motions for sanctions and to initiate contempt proceedings, dkts. 56 and 78 , and the motion for discovery relates to those motions, dkt. 77 , are denied. The motion to withdraw pending motion as moot, dkt. 81 , is denied as unnecessary. The motion to reset deadlines, dkt. 85 , is granted to the extent that all deadlines are suspended pending recruitment of counsel. The motion to reconsider, dkt. 52 , is denied without prejudice to reassertion by counsel within 30 days after counsel is appointed, if counsel deems such a motion appropriate. The clerk is directed to enclose a blank form motion for assistance with recruiting counsel with Mr. Ates's copy of this Order. SEE ORDER. Copy sent to Plaintiff via US Mail. Signed by Judge James Patrick Hanlon on 8/21/2023. (Attachments: # 1 Motion for Assistance with Recruiting Counsel Form) (JRB) (Entered: 08/21/2023)
08/23/2023	99	REPLY in Support of Motion re 90 MOTION to Compel <i>RESPONSES TO DEFENDANT'S INTERROGATORIES NOS. 1, 2, 3, 4, 5, 6 and 10 to PLAINTIFF</i> , filed by Defendant UNITED STATES OF AMERICA. (Shields, Gina) (Entered: 08/23/2023)

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